



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315909-23

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<b>Development</b>	The demolition of an existing nursing home (28 bed spaces) and adjacent bungalow and the construction of a new nursing home (70 bed spaces) and associated site development works.
<b>Location</b>	Main Street, Clonee, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	221038
<b>Applicant(s)</b>	Silvergrove Nursing Home Ltd.
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Silvergrove Nursing Home Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> August 2023
<b>Inspector</b>	Ian Boyle

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## 1.0 Site Location and Description

- 1.1. The subject site comprises an existing nursing home, called Silvergrove Nursing Home, which has an address at Main Street, Clonee, Co. Meath, D15 HW82. It is on the southern side of Main Street (R147), which is the main throughfare for the village, and is a short walking distance east of the village centre.
- 1.2. The topography of the site is generally flat and sits slightly above the level of the public road. The eastern section of the property accommodates the nursing home building, which comprises 28 bed spaces. There is a surface car park at the front of the site comprising 8 no spaces and a row of mature trees and a grass strip run between the car park and the northern boundary of the site. A low-lying wall finished in pebble dash separates the property from the public footpath and road.
- 1.3. There are tall and dense hedgerows along the side and rear boundaries of the site. The hedges appear to be a native species and provide good visual screening. There is also a small communal amenity space, dedicated refuse storage area and a storage shed / outbuilding on the property.
- 1.4. The site is adjoined to the west by an existing residential property, which is a detached 2-storey house with a porch to the front and single storey extension to the rear, the east by a bungalow and shed, the south by a compound / storage area for farm machinery and related equipment, and to the north is Main Street. On the far side of Main Street, opposite the nursing home, is an Aldi supermarket and an associated car park for customers. The property directly west of the nursing home forms part of the overall application site and is owned by the Applicant.
- 1.5. The surrounding area is mainly characterised by a mix of commercial and residential uses typically found in a small to mid-sized settlement.
- 1.6. The site has a stated area of roughly 0.47ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for the demolition of an existing nursing home (28 bed spaces) and adjacent bungalow and the construction of a new nursing home (70 bed spaces).

- 2.2. The application also comprises a new vehicular entrance off Main Street and the closure of two existing entrances, 27 no. onsite parking spaces, a vehicular setdown area, 22 no. cycle parking spaces, ESB substation, bin storage facility, landscaping and associated site works.
- 2.3. The nursing home would use an existing public mains connection for water supply and a new connection for foul sewer. Surface water disposal would be via a soakpit.
- 2.4. The application was submitted to Meath County Council on 8<sup>th</sup> August 2022.
- 2.5. The Planning Authority requested further information on 30<sup>th</sup> September 2022, including:
  - Details regarding provision and layout of car parking, public road upgrade works, access, provision of a Construction Environmental Management Plan (CEMP), provision of adequate footpath(s) and accessible car parking arrangements (Item 1).
  - Provision of a Site Specific Flood Risk Assessment (SSFRA) (Item 2).
  - A note stating that upon receipt, the Planning Authority may consider the further information as 'significant further information / revised plans' (Item 3).
- 2.5.1. The Applicant provided further information on 13<sup>th</sup> December 2022, including modifications to the site layout and an increase in onsite car parking to provide 34 no. spaces (an increase of 7 no. spaces over the original application).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority refused permission on 30<sup>th</sup> January 2023, stating a single reason for refusal in relation to flooding concerns and that the Applicant had not carried out a sufficiently detailed SSFRA in accordance with 'the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'.
- 3.1.2. The reason for refusal stated that the proposed development, if permitted, would be contrary to the Ministerial Guidelines and contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The replacement of the existing 28-bed nursing home on zoned A1 lands with a 70-bed facility is acceptable in the context of the zoning objectives and national and regional policy objectives to support such compact, infill development that is required to sustain economic development and employment, particularly in urban centres.
- The proposed development, as presented, is therefore considered to be acceptable in principle subject to normal planning and environmental considerations.
- The proposed site coverage (c. 0.33), plot ratio (c.0.74), and design, siting and layout of the proposed development are considered acceptable.
- The proposed development is acceptable in terms of surface water drainage, which will discharge to a soakpit, subject to conditions. It is also acceptable regarding water and wastewater and it is noted the development would connect to the public infrastructure network.
- Upon receipt of further information, the Transportation Department have no objection to the proposed development, subject to conditions, and it is considered that the proposal is acceptable traffic and transportation perspective.
- The site is subject to Flood Zones A and B. A similar application (RA200396) was submitted and refused by the Planning Authority for reasons relating to flood risk and parking. The application was appealed to An Bord Pleanála where the refusal was upheld citing parking as the reason for refusal.
- The Environment Department (Flooding) recommended refusal on the basis the Applicant's Flood Risk Assessment Report
- The report provided by Council's Environment Section states that the Applicant's Flood Risk Assessment is not acceptable. It fails to address the issue of safe access and egress and that this is required to be assessed for emergency services. The report also states that the proposed redevelopment

of the nursing home is a highly vulnerable development and may require safe and appropriate access at any time. Safe access may be possible through the village. However, this has not been assessed in the SSFRA.

- There would be no likely potential impacts arising in terms of Appropriate Assessment or Environmental Impact Assessment.

### 3.2.2. **Other Technical Reports**

Environment (Flooding) Section: Initial report requested further information.

Recommended refusal upon receipt of further information due to flooding concerns. SSFRA considered inadequate having failed to address the issue of safe access for emergency vehicles during a flood event.

Roads (Public Lighting) Section: No objection, subject to standard conditions.

Roads (General) Section: Initial report requested further information. No objection upon receipt of further information, subject to conditions requiring details of proposed upgrade works to the R147, no objects or structures within visibility splays, provision of a Traffic Management Plan and Mobility Management Plan, inclusion of tactile paving, charging points and bicycle parking.

Water Department: No objection, subject to conditions requiring installation of a flow control device, provision of class 1 petrol / oil separator upstream of the attenuation system and compliance with all works to comply with the Greater Dublin Regional Code of Practice.

### 3.3. **Prescribed Bodies**

Health and Safety Authority: No objection.

Health Service Executive: No objection, made the following recommendations:

- A revised landscape plan should be submitted which addresses the impact of the loss of the outdoor communal seating space.
- The revised landscape plan should include planting proposals to screen and soften the visual impact of the proposed car parking.

- Facilities for gardening for the residents in line with section 4.2.7 of the National Standards for Residential Care Settings for Older People in Ireland , HIQA, 2016 should also be considered in the revised landscape plan.

### 3.4. **Third Party Observations**

The Planning Authority did not receive any third party observations.

Two representations from Councillors support the proposed development.

## 4.0 **Planning History**

- 4.1.1. The existing nursing home has developed in a haphazard fashion since permission was originally granted in 1997 under ABP Ref. 17.100525 (Reg. Ref. 96/385). This permission comprised the extension and conversion of bungalow to a nursing home and widening of a vehicular entrance. Several extensions and additions to the nursing home have since been permitted and constructed.
- 4.1.2. The Planning Authority refused permission in March 2020 under Reg. Ref. RA200396 for the demolition of the existing nursing home on the site and construction of a new two-storey nursing home and ancillary site works. The reasons for refusal were due to flood risk and an absence of an appropriate amount of car parking. An Bord Pleanála refused permission on appeal in August 2021 (ABP Ref. 309527-21), but only on car parking and layout grounds.
- 4.1.3. The Board cited concerns regarding the form and layout of car parking and the associated circulation area to the front of the proposed building. They were not satisfied that safe and proper access and movement of service vehicles and emergency vehicles through the site could be achieved. It was considered that whilst an improved form of car parking and circulation could potentially be achievable on the site, this could require a change to the building footprint, which would not be appropriate to secure via planning condition.

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2021-2027

The Meath County Development Plan 2021-2027 ('Development Plan') was adopted on 22<sup>nd</sup> September 2021 and came into effect on 3<sup>rd</sup> November 2021.

#### 5.1.1. Dunboyne-Clonee-Pace Written Statement

##### Zoning

The Dunboyne-Clonee-Pace Written Statement applies to the subject site. The site falls within its Settlement Boundary.

The site is partially zoned A1 (Existing Residential) and B1 (Commercial Town or Village Centre), where the following zoning objectives apply:

- **A1 Objective:** *To protect and enhance the amenity and character of existing residential communities.*
- **B1 Objective:** *To protect, provide for and/or improve town and village centre facilities and uses.*

The A1 zoning applies to the existing nursing home property. The B1 zoning applies to the residential property which is the western part of the appeal site.

The proposed use (nursing home) is not listed as a 'permitted use' or 'open for consideration'. However, 'retirement home / residential institution / retirement village' are uses which are Open for Consideration.

##### Zoning Guidance

The zoning guidance for the A1 zoning objective states that 'lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area'.

The zoning guidance for the B1 zoning objective states that 'this is the primary zone to accommodate new residential development. Whilst residential zoned lands are



primarily intended for residential accommodation, these lands may also include other uses that would support the establishment of residential communities. This could include community, recreational and local shopping facilities. These facilities must be at an appropriate scale and cannot interfere with the primary residential use of the land’.

### Settlement Strategy

The site is within the Settlement Clonee is defined as a 'village' in the Settlement Hierarchy for County Meath.

Section 3.0 of the Written Statement includes the following vision for Dunboyne and Clonee:

*‘For Dunboyne and Clonee to become recognised as a location of choice for investment by local, national, and international enterprises which would form the basis of the creation of compact, attractive, sustainable communities based on the principles of the ‘live work’ community model.’*

#### 5.1.2. **Chapter 2 Core Strategy**

##### Section 2.14 Core Strategy

###### **CS OBJ 1**

*To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.*

#### 5.1.3. **Chapter 6 Infrastructure Strategy**

Section 6.10.2 is in relation to Flood Risk Management. The following policies and objectives are considered relevant:

- **INF POL 18** is to implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.
- **INF POL 19** is to implement the findings and recommendations of the Strategic Flood Risk Assessment prepared in conjunction with the County Development Plan review, ensuring climate change is taken into account

- **INF POL 20** states that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.
- **INF OBJ 20** is to implement the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated guidelines. A site-specific Flood Risk Assessment should be submitted where appropriate.
- **INF OBJ 21** is to restrict new development within floodplains other than development which satisfies the Justification Test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).
- **INF OBJ 25** is to require the use of Sustainable Urban Drainage Systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

#### 5.1.4. Chapter 7 Community Building Strategy

Section 7.7.4 is in relation to Healthcare Facilities. The following policies are considered relevant:

- **SOC POL 24** is to co-operate with the Health Service Executive and other statutory and voluntary agencies and the private sector in the provision of appropriate health care facilities covering the full spectrum of such care from hospitals to the provision of community-based care facilities subject to proper planning considerations and the principles of sustainable development.
- **SOC POL 25** is to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.

- **SOC POL 29** is to support and co-operate with promoters or operators of public and private health care facilities by facilitating and encouraging the provision of improved health care facilities in appropriate locations.

#### 5.1.5. **Chapter 11 Development Management Standards and Guidelines**

Section 11.7.2 is in relation to Sheltered Accommodation/Step Down Housing, Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages.

It states that nursing homes, residential and retirement homes and retirement villages should be located in towns and villages for reasons of sustainability, accessibility and proximity to services. There is a presumption against this type of development in the open countryside for reasons relating to sustainability, poor accessibility and lack of public transport, social exclusion and isolation.

The following Development Management Objectives are considered relevant:

- **DM POL 24** is to require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation/step down housing be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established.
- **DM OBJ 66** states that reduced open space standards may be acceptable for the following development types: residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation only in cases where it is clearly demonstrated with a supporting evidence base that it is appropriate by having regard to the specific open space needs of residents and only where suitable accessible public open space is available as part of the development.

**Section 11.9.1** is in relation to car parking standards.

Table 11.2 sets out a requirement of 1 space per 3 beds and one space per employee. Non-residential car parking standards are set down as “maxima” standards.

### 5.1.6. Ministerial Direction – 2<sup>nd</sup> November 2021

On 2<sup>nd</sup> November 2021, prior to the Development Plan taking effect, the Minister for Housing, Local Government and Heritage (‘the Minister’) gave notice to Meath County Council of his intention to issue a direction to the Planning Authority to take certain measures, including the reinstatement of certain zoning objectives.

The Direction does not have any implications for the subject development proposal. This appeal case has been assessed on the basis of the current Development Plan, which is the ‘Meath County Development Plan 2021 – 2027’.

## 5.2. Regional Policy

## 5.3. National Policy

### The National Planning Framework 2040

The National Planning Framework 2040 was adopted on the 29<sup>th</sup> May 2018 and encourages compact urban growth. This approach is promoted to make better use of under-utilised land and buildings to provide higher housing and jobs densities, which are better serviced by existing facilities and public transport.

The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. The following National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) are considered relevant to this appeal case:

- NSO 1: Encourages compact growth and regeneration and revitalisation of urban areas.
- NSO 10: Provide access to quality childcare, education and health services.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places.
- NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria

that seek to achieve well-designed high quality outcomes to achieve targeted growth.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.

The Planning System and Flood Risk Management: Guidelines for Planning Authorities 2009

These Guidelines for Planning Authorities, published by OPW and Department of Environment, Heritage and Local Government in 2009, address identification and assessment of flood risk, and flood risk management in design of development. The core objectives of the guidelines are as follows:

- Avoid inappropriate development in areas at risk of flooding,
- Avoid new developments increasing flood risk elsewhere,
- Ensure effective management of residual risks for development permitted in floodplains
- Avoid unnecessary restriction of national, regional or local economic and social growth
- Improve the understanding of flood risk among relevant stakeholders.

The Guidelines recommend a risk-based sequential approach to managing flood risk. They are:

- The key elements of this are to avoid development in areas at risk of flooding. If this is not possible, consider substituting a land use that is less vulnerable to flooding. Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.
- Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted.
- Exceptions to the restriction of development due to potential flood risks are provided for through the use of a **Justification Test**, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

Section 3.8 states that ‘the **Justification Test** has been designed to rigorously assess the appropriateness, or otherwise, of particular developments that, for the reasons outlined above, are being considered in areas of moderate or high flood risk. The Development Management Justification Test is relevant to this appeal. It is used in the planning application stage where it is intended to develop land at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be inappropriate for that land’.

Box 5.1 of the Guidelines sets out the considerations to be included in the Justification Test for development proposals and states that the following criteria must be satisfied.

#### Circular Letter PL 2/2014, Flooding Guidelines

On 13<sup>th</sup> August 2014 a Circular Letter PL 2/2014, Flooding Guidelines was issued from the Department of the Environment Community and Local Government with regard to:

- i. Use of OPW Flood Mapping in assessing planning applications, and
- ii. Clarifications of advice contained in the 2009 DECLG Guidelines for planning authorities – ‘The Planning System and Flood Risk Management’;

#### **5.4. Other Relevant Policy**

##### National Planning Policy

- *Design Manual for Urban Roads and Streets, 2019 (‘DMURS’)*
- *Development Management Guidelines for Planning Authorities, 2007 (‘Development Management Guidelines’).*

##### Regional Planning Policy

- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 (‘RSES’)*

#### **5.5. Natural Heritage Designations**

No natural heritage designations apply to the subject site. There are also no European Sites in the vicinity.

The nearest European Site is the Rye Water Valley / Carton Special Area of Conservation (SAC) (Site Code: 001398), which is roughly 5.6km to the southwest of the subject site.

## 5.6. EIA Screening

- 5.6.1. The subject site has a stated area of 0.47ha, approximately. It is in a built-up area near the centre of Clonee village. The subject development is proposed to connect to the mains foul water and water networks. The development does not exceed the thresholds for mandatory submission of an EIAR as set out in Schedule 5 of the Planning and Development Regulations, as amended.
- 5.6.2. Having regard to the existing development on site, the limited nature and scale of the proposed development, which comprises the demolition of an existing nursing home (28 bed spaces) and construction of a new nursing home (70 bed spaces), and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of appeal are as follows:

***First Party Appeal (date stamped 24<sup>th</sup> February 2023), prepared by Jim Brogan, Planning and Development Consultant***

#### Car Parking

- The original development proposal was modified to address the further information request by Meath County Council (MCC).
- However, a single reason for refusal was issued by MCC, which is in relation to flooding.

- The proposal is acceptable in terms of visual impact, residential amenity, provision of communal open space and landscaping, meets regulatory standards, and is within proximity to services.
- The proposed level of car parking is sufficient. The existing nursing home has 8 no. spaces, which is well below the 23 / 24 no. spaces typically required under the maximum level of provision set out under the Development Plan (Table 11.2). This equates to roughly 33% of the required maximum total.
- The proposed development comprises 34 no. car parking spaces, which was increased by way of further information, and would be well in excess of the actual demand, having regard to locational context and details of the Mobility Management Plan (MMP) set out in the Traffic and Transport Assessment (TTA) accompanying the original application.
- A previous application on the site for a new nursing home was refused permission in August 2021 for reasons relating to layout / car parking facilities. The Applicant has addressed this by way of acquiring the adjoining residential property to the west of the appeal site.

### Flood Risk

- In the 22 years of its existence, the nursing home has never flooded. This includes the heavy flooding event in 2003, which led to the implementation of the flood defence scheme on the River Tolka.
- The Planning Authority has formed the view that access/egress has not been properly addressed and that accordingly Section 2(ii) and (iii) of the Justification Test has not been complied with, including the issue of emergency vehicle access.
- The Council's reason for refusal is also identical to the one previously cited in refusing permission for Reg. Ref. RA200396 (ABP Ref. 309527-21).
- On appeal, the Board's Inspector did not support the Council's reason for refusal in their report and, although the Board ultimately refused permission, this was to do with inadequate car parking and concerns regarding circulation of vehicles onsite, and not potential for flood risk.



- The Development Management Guidelines state that *'future planning decisions on the same site need to have due regard to previous Board decisions. Any decision of the Board should be carefully examined by the planning authority to see whether it raises any policy issues in relation to the development plan particularly where the decision of the planning authority has been reversed'*.
- The Board is requested in its consideration of the current appeal to have regard to its previous Decision, which is a very significant precedent.
- There are recent appeals for development proposals on Main Street, Clonee, which were permitted by the Board, which are relevant due to flood risk concerns raised by the Planning Authority (Reg. Ref. 180228; ABP Ref. 304342 and Reg. Ref. 190648; ABP Ref. 306842).

***Planning Submission on Flood Risk (dated 23<sup>rd</sup> February 2023), prepared by McCloy Consulting, Water and Environmental Consultants***

- A Site Specific Flood Risk Assessment (SSFRA) (dated 23<sup>rd</sup> February) is included at the rear of the appeal submission.
- The SSFRA is a three-stage assessment of the site and proposed development and includes detailed hydraulic modelling to assess maximum flood depths.
- In summary, as detailed by the SSFRA:
  - The parts of the site where development is proposed lies in Flood Zone C.
  - The proposed development is unaffected by flooding for 1% AEP and 0.1% AEP floods, including when the protection of flood defences is omitted.
  - The proposed development is unaffected by flooding for 1% AEP and 0.1% AEP floods including for the effect of climate change.
  - Dry access to and from the site is available during the 1% AEP and 0.1% AEP floods, including for the effect of climate change, due to the OPW designated flood defences.
  - In the event of a complete failure of flood defence measures, depths of floodwater on the public road are lower than that as required by MCC. Further, restricting the redevelopment of the site due to flooding issues on

the wider public road network is not appropriate or reasonable given the existing use of the site is already a nursing home.

- The intensification of use of the site, even allowing for a highly vulnerable land use, is unlikely to cause any significant increase in the need for emergency services. This is because there would be no immediate requirement to evacuate the site, which is unaffected by predicted flooding, and where occupants would remain unaffected. A flood in Clonee would not cause any emergency at the subject site.
- The proposal complies with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)'.

## 6.2. Planning Authority Response

- The appeal submission has been examined by the Planning Authority.
- The Board is referred to the internal reports on file, in particular, the Reports from the Environment Department (Flooding).
- The Planning Authority is satisfied that all matters outlined in the appeal were considered, as detailed in the Planner's Report.
- The Board is requested to refuse permission for the proposed development.

## 6.3. Observations

- An Taisce made an observation to the Board on 5<sup>th</sup> April 2023, stating that the cumulative impact of additional wastewater load on Sandymount Strand and Tolka Estuary SPA requires assessment.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local, regional, and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning
- Flood Risk
- Car Parking and Onsite Circulation of Vehicles
- Ecology
- Appropriate Assessment

### 7.1. Zoning

- 7.1.1. The proposed development comprises the demolition of an existing nursing home (28 bed spaces) and construction of a new nursing home (70 bed spaces). It also includes an upgraded / new vehicular entrance off Main Street, car parking, cycle parking, vehicular setdown area, ESB substation, bin storage, landscaping and ancillary site works. In brief, the proposal seeks to upgrade and replace an existing nursing home facility which has been in existence on the site for approximately 25 years which has been extended and added to through a series of adhoc annexes and extensions over time.
- 7.1.2. The original application was revised as part of further information and included amendments to the car parking layout, road upgrade works, the means of vehicular access, submission of a Construction Environmental Management Plan (CEMP), provision of footpaths and details of accessible car parking arrangements. This resulted in changes to the layout of the proposed nursing home and an increase in onsite car parking to provide a new total of 34 no. spaces – which the Planning Authority considered acceptable. However, the issue of flood risk was not considered to have been properly addressed by the Applicant and, as such, permission was refused. Section 7.2 of my report below addresses the issue of flood risk in further detail.

- 7.1.3. In terms of its physical context, the nursing home is on Main Street, Clonee, Co. Meath, D15 HW82. It is situated on the southern side of the street which is the main throughfare for the village. It is within a short walking distance of the Clonee village centre. There is a surface car park at the front of the property. A row of mature trees and a grassed strip run between the car park and the northern boundary of the site. There are dense hedgerows along the side and rear boundaries of the site providing good visual screening of the existing facility from offsite locations. The application seeks to keep and augment existing hedgerows where appropriate. The surrounding vicinity is characterised by a mix of commercial and residential uses.
- 7.1.4. I note that the site is within the settlement boundary for Clonee, as per the Meath County Development Plan 2021-2027 ('Development Plan' / 'CDP'). The site is subject to two land use zoning objectives, which are:
- A1(Existing Residential) – applies to the existing nursing home property, and
  - B1 (Commercial Town or Village Centre) – applies to the western part of the overall appeal site which accommodates the existing bungalow.
- 7.1.5. The proposed use (nursing home), which comes under the description of a 'retirement home / residential institution / retirement village', is open for consideration under these zoning controls.
- 7.1.6. I am satisfied that the proposed development is in accordance with these land use zoning objectives. I also consider that the proposal is in accordance with SOC POL 25, which is to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children. It is my opinion that Section 11.7.2 of the Development Plan is also relevant in the consideration of this appeal case. It states that nursing homes should be located in towns and villages for reasons of sustainability, accessibility and proximity to services.

## 7.2. Flood Risk

- 7.2.1. The Planning Authority's reason to refuse permission is that the Applicant did not carry out a sufficiently detailed SSFRA in accordance with the Planning System and

Flood Risk Management Guidelines for Planning Authorities, 2009 ('the Flood Risk Guidelines'). It states that the proposed development, if permitted, would be contrary to the Ministerial Guidelines and contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan relating to flood risk.

7.2.2. I note that INF POL 18 requires the implementation of the Flood Risk Guidelines through adherence to the sequential approach and application of a justification test for new development proposals. INF POL 20 states that a Flood Risk Assessment should be carried out for any development proposal, where flood risk may be an issue, in accordance with the Flood Risk Guidelines. The assessment should be appropriate to the scale and nature of risk linked to the potential development and must consider the impact of climate change.

7.2.3. The Flood Risk Guidelines set out a risk-based sequential approach to managing flood risk in the assessment of development proposals, which is outlined as follows:

- (i) Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;
- (ii) Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and
- (iii) Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

7.2.4. In terms of providing historical context, I note that the Dunboyne-Clonee-Pace Written Statement (Volume 2 of the CDP) states that a major flood event occurred in Dunboyne and Clonee in 2002. However, the appeal site did not flood during this time. Whilst flood alleviation measures are now in place, flooding remains a key constraint to the future development of the area.

7.2.5. The Written Statement also states that the area has significant potential to attract major employment generating investment given its location in the Metropolitan Area. Clonee, itself, is recognised as having designated village status where there is a focus on infill, brownfield redevelopment and urban consolidation.

- 7.2.6. I have inspected the OPW Flood Maps using the interactive online mapping tool. The data confirms that no past flooding of the site has occurred. This includes during the major flood event which affected Clonee in 2002. However, I would note that a site with no past history of flooding does not necessarily mean that it is not at risk from flooding. Furthermore, the property is subject to Flood Zones A and B, as indicated by the OPW maps prepared as part of the Catchment Flood Risk Assessment Management (CFRAM) Programme. I note also that the OPW search tool includes a notation which confirms maps for the Clonee area are currently 'under review' (Map Review Reference No. MR006).
- 7.2.7. The Flood Risk Guidelines set out the procedure for which development proposals should be assessed where flood risk of property is evident. As the site is within Flood Zones A and B, and the proposed (and existing) land use is listed as 'Highly Vulnerable' under Table 3.1 of the Guidelines, a Justification Test is required. In this regard, a Site Specific Flood Risk Assessment, (SSFRA), was carried by McCloy Consulting and submitted to MCC during the planning application process. As noted above, the Planning Authority had regard to this and stated that the SSFRA failed to address the issue of safe access and egress and that this is especially required for emergency services. The Council's Environment Section Report also confirms that the proposed nursing home is a highly vulnerable use requiring safe and appropriate access at any time. It states that safe access may be possible through the village, but that this has not been properly assessed in the SSFRA.
- 7.2.8. Therefore, and in my opinion, whilst the Planning Authority has concerns regarding flood risk, the reason for refusal is confined to service vehicles and emergency vehicles achieving safe access to the property during a potential flood; and not in terms of the appeal site itself being potentially inundated during a heavy rainfall event.
- 7.2.9. The Applicant has provided a comprehensive submission addressing this issue as part of their first party appeal. I have reviewed both the appeal submission, and original SSFRA lodged at application, as part of my assessment. I have also reviewed the Flood Risk Guidelines and note that the SSFRA provides a three-stage assessment of the site and proposed development, and includes detailed hydraulic modelling assessing maximum flood depths.

- 7.2.10. I consider that the SSFRA has sufficiently shown that the development proposal is acceptable from a flood risk perspective and that the flood risk to other areas would not be exacerbated. The flood defences centred around Dunboyne and Clonee include defence walls and embankments and should not, in my view, be disregarded in assessing this development proposal. The works form part of programme of planned investment by the OPW designed to prevent flooding of property near, and around, the Tolka River and reduces the likelihood of inundation in this otherwise vulnerable area.
- 7.2.11. I note for the attention of the Board that Appendix A of the Flood Risk Guidelines states that *'actual risk is the risk of flooding taking account of all features that act as defences against flooding. These may include custom-made flood defence structures or artificial (such as road or railway embankments) or natural features (such as natural levees, sand dunes or other topographical features). These serve to reduce the actual risk of flooding since they reduce the frequency of flooding to that which will overtop the defence structure'*. The Guidelines go on to state that *'residual risk is the risk that remains after all mitigation measures to reduce the frequency of flooding have been taken. It can arise through overtopping or breach of the flood defences, usually by a flood that exceeds the design level of the defence'*.
- 7.2.12. In this regard, I note that dry access to and from the site is available during the 1% AEP and 0.1% AEP floods, which includes for the potential effect of climate change. Therefore, it is my opinion that the SSFRA is in accordance with the technical guidance outlined above. It is also in accordance with Section 6.4 of the Guidelines where it is stated that *'planning authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding'*.
- 7.2.13. I also consider the existing, developed nature of the site to be of relevance, noting that the property already accommodates an existing nursing home with 28 bed spaces, albeit the premises is smaller than the proposed facility. As noted above, the existing land use would be intensified by the proposed development through an increased number of bed spaces (+42 no.). However, the residual risk of flooding

would not be altered due to the proposal being advanced. I also do not consider that the intensification of bed spaces on the site would be so great such that the new development would be a transformative departure or result in significant physical changes on the site when compared with current use (which is also a nursing home).

7.2.14. It is therefore my submission to the Board that the appeal site, which is zoned A1 (Existing Residential) and B1 (Commercial Town or Village Centre) under the current CDP, is well-positioned to provide an improved and necessary service to the local community and wider surrounding area without incurring unacceptable risk in terms of flooding. I note that the proposal, in addition to providing care for people coming from private residences and sheltered accommodation, also acts as an important stepdown facility for elderly patients from Connolly Hospital, Blanchardstown, which is roughly 6km away, via the N3 / Navan Road. I consider that a modernised and expanded care facility in this part of Clonee, is in accordance with local planning policy and complies with the Council's Core Strategy of directing growth towards designated settlements, subject to the availability of infrastructure and services. I note further that Clonee is envisaged by the Development Plan as a settlement for future investment and the creation of a more compact, attractive and sustainable community.

7.2.15. The proposal is also in accordance with national guidance which seeks to consolidate services and employment within urban settlements to promote sustainable development. I acknowledge that there may be some risk in terms of vehicles gaining immediate access to the site in an extreme flood event. However, in my opinion, such risk is low, and the proposed development has been justified on the grounds of proper planning and sustainable development, as outlined under Box 5.1 of the Flood Risk Guidelines.

7.2.16. Box 5.1 states that the acceptability, or otherwise, of levels of residual risk should be made with consideration to the type and foreseen use of the development, and the local development context, and this has been duly considered as part of my assessment of the matter. In my view, the SSFRA is appropriate to the scale and nature of risk to, and from, the proposed nursing home. I note that the assessment also considers the impact of climate change and makes allowance for its potential future effects and implications.



7.2.17. In summary, I consider that the proposal is in accordance with INF POL 18 of the Development Plan, which is to implement the Flood Risk Guidelines through the sequential approach and application of the justification test for development management purposes. It is also consistent with INF POL 20 which requires a Flood Risk Assessment to be completed for a development proposal in accordance with the Flood Risk Guidelines, where flood risk may be an issue.

7.2.18. I conclude that the proposed nursing home complies with the relevant Ministerial Guidelines, including the Justification Test, and would not be prejudicial to public health.

### 7.3. Car Parking and Onsite Circulation of Vehicles

7.3.1. The Board refused permission for a previous, similar application on the site for a new nursing home in August 2021 (ABP Ref. 309527-21). The reason stated was due to poor site layout and insufficient car parking. The Board specifically cited concerns regarding the vehicle circulation space to the front of the proposed building and were not satisfied that safe and proper access, including the movement of service and emergency vehicles, through the site could be achieved.

7.3.2. In this regard, the Board Order specifically stated that:

*'the layout of the parking and circulation area, including the disposition of parking spaces, as set out in the application and appeal documentation was tight, and would create a challenge for vehicle turning onsite, requiring for example the reversing of larger vehicles into the site from the public road. This was considered to be a self-imposed constraint due to the layout proposed by the applicant and while an improved form of parking and circulation may be achievable onsite, this may require a consequent and undetermined change to the building footprint. It would not be appropriate to secure such a change via a planning condition in this instance'.*

7.3.3. The Applicant has sought to proactively address this by way of acquiring the adjoining residential property to the west of the appeal site, thus, enlarging the application and providing additional street frontage onto Main Street.

7.3.4. The assimilation of this property has increased the overall size of the subject site from 0.35 ha (previous application) to 0.47 ha (current application). Importantly, this

has significantly increased the amount of site frontage onto the public road and allows for a safer access arrangement and improved circulation area to be attained, in my opinion. It has also improved the proposed vehicular entrance to the property, has made the site access more visually apparent to pedestrians and motorists and provides a more aesthetically attractive appearance in terms of the overall design and layout of the scheme (see Drwg. No. 107 for further details of proposed entrance and car parking layout).

- 7.3.5. I further note that the Traffic and Transport Statement and Mobility Management Plan ('Traffic Report') accompanying the application includes a specific section addressing the issue of access for cars, refuse and emergency vehicles (Section 4.3 of the Report refers). It also includes several excerpts from an AutoTurn analysis, demonstrating that it is possible for large refuse vehicles to both enter and exit the site in a forwards-moving fashion. All turning movements would be able to be accommodated on the site and there would be no need to for vehicles to manoeuvre out into Main Street.
- 7.3.6. The report states that any requirement for HGVs to access the site would be infrequent and would account for two to three movements per week only. Such vehicles would mainly be for waste collection purposes, and I consider that this would be unlikely to result in any significant traffic difficulties on or off the site. Similarly, emergency vehicles, such as ambulances or fire tenders, accessing the site would be anticipated to be seldom.
- 7.3.7. In terms of car parking provision, Table 11.2 of the CDP sets out a requirement of one space per 3 beds and one space per employee. Non-residential car parking standards are set down as "maxima" standards meaning that parking provision below the maximum may be permitted. This is to take account of different locational contexts and to promote sustainable travel behaviour, particularly where a site has good access to quality public transport or is within walking distance of services and amenities.
- 7.3.8. The maximum number of staff working in the nursing home at any one time would be 30 employees. This reduces to 25 employees when administrative staff finish work in the evenings and during weekends. The staff numbers for nursing homes are set by the HSE. The Traffic Report has completed a detailed evidence-based analysis

of car parking requirements based on employee numbers, means of travel for staff (driving, walking, etc.), car parking demand generated by comparable developments, a review of visitor numbers to the existing facility and comparison of car parking standards for the adjacent Planning Authority (Fingal County Council). In summary, the overall recommended car parking provision for the proposed development equates to a total of 27 no. car parking spaces (7 no. spaces for bed spaces and 20 no. spaces for staff). This is clearly set out under Table 5.2 of the report.

- 7.3.9. I note that the proposed development comprises a total of 34 no. car parking spaces. This was increased by 7 no. spaces as part of further information at the request of the Council's Roads Department. The additional car parking provision, and improved layout and circulation space, is largely due to the more spacious and larger size of the application site, and is acceptable, in my opinion. [The new total of 34 no. spaces also represents an increase of roughly 20 no. car parking spaces over the previous, refused application on the site for a nursing home facility, which had sought 14 no. spaces (Reg. Ref. RA200396; ABP 309527-21)].

I further note that the Council's Transportation Department, having reviewed the further information, had no objection to the amended development proposal, subject to standard conditions. The conditions relate mainly to minor road improvements and upgrades and provision of a final Traffic Management Plan and Mobility Management Plan. I note that the Applicant has confirmed by way of their first party appeal that they would have no issue with complying with these conditions, assuming permission is granted by the Board.

- 7.3.10. In summary, I am satisfied that the previous reason for refusal issued by the Board in relation to an earlier application on the site for a nursing home development has been addressed. I conclude that the proposed quantum of car parking, site layout and circulation space for vehicles to manoeuvre onsite is acceptable, in my opinion, and the development proposal provides for a safe means of access and egress for emergency and service vehicles.

#### 7.4. Ecology

- 7.4.1. The proposal seeks the removal of trees / hedgerows from the site and the demolition of the existing nursing home building and adjacent bungalow. Therefore, I consider there is potential to disturb nesting birds and bats.
- 7.4.2. To mitigate this potential impact, it is my opinion that a bat survey should be carried out by a suitably qualified ecologist during the active bat season. Any subsequent destruction of bat roosting sites should be supervised by a qualified ecologist and under licence.
- 7.4.3. I consider this issue can be dealt with under condition.

#### 7.5. Appropriate Assessment

##### Background

- 7.5.1. The application is accompanied by a Stage 1 Appropriate Assessment Screening Report, which has been prepared by Noreen McLoughlin MSc. Environmental Consultant (NIS) (dated July 2022). I have considered the report as part of my assessment below.
- 7.5.2. The report concluded that *'having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects'*.

##### European Sites

- 7.5.3. I note that no natural heritage designations apply to the subject site. There are also no European Sites in proximity.
- 7.5.4. The nearest European Site is the Rye Water Valley / Carton Special Area of Conservation (SAC) (Site Code: 001398), which is roughly 5.6km to the southwest of the subject site. However, there is no direct pathway or ecological connection between the subject site and this European site such that there is no real likelihood of any significant effects on this SAC or its wider catchment area.
- 7.5.5. However, there is a potential hydrological connection between the subject site and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull

Island SPA (Site Code: 004006), North Dublin Bay SAC (Site Code: 000206), South Dublin Bay SAC (Site Code: 000210) via the Tolka River. Therefore, the potential for a hydrological link to these designated sites requires further investigation, particularly as there is a history of flooding in the area.

7.5.6. Any potential indirect impacts on European sites from the development would be limited to the discharge of surface water and foul water emanating from the appeal site. Given the location of the property, and the nature and scale of the proposed development, I consider the following designated sites to be within the zone of influence of the subject site:

- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)
- North Bull Island SPA (Site Code: 004006)
- North Dublin Bay SAC (Site Code: 000206)
- South Dublin Bay SAC (Site Code: 000210)

[A full list of the Qualifying Interests and Conservation Objectives for each European Site is available on the NPWS website at <https://www.npws.ie/protected-sites.>]

### Conclusion

7.5.7. Having examined the qualifying interests and conservation objectives for these European Sites, I am satisfied that the proposed development, due to its nature, relatively small scale, and location in an established urban and serviced area, that it would not result in potential for significant impacts on the integrity and conservation objectives of these European Sites. I also note the intervening land uses situated between the subject site and the Tolka River, which includes existing residential houses, commercial properties and the R147 (Navan Road), and which means any hydrological connection between the site and this waterbody is indirect and weak. Furthermore, the separation distance from the subject site to the European Sites more than 15km meaning that water quality in the European sites would not be negatively affected due to the dilution factor and settling out over such a distance.

7.5.8. I note that the Planning Authority, and Applicant as part of their appeal submission, completed an AA Screening, which confirmed that there would be no material risk to any protected habitats and, therefore, no requirement for a Stage 2 AA.

## 8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, including the zoning objectives for the site, which are A1 (Existing Residential) and B1 (Commercial Town or Village Centre), the developed nature of the property, which is an existing nursing home, its location within an urban area, and the nature and scale of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety and in accordance with 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)'. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 13<sup>th</sup> December 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
5.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>

6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<p>Prior to the commencement of any development works on the site, the applicant shall undertake a bat survey by a competent qualified person to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to the commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment. Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on the site. If the presence of bats is established on the site, no development shall occur until the necessary permission/derogation licence(s) have been obtained from the appropriate statutory body.</p> <p><b>Reason:</b> In the interest of bat protection and to provide for the preservation and conservation of this species.</p>
9.	<p>a) Prior to commencement of development, final finishes, construction makeup and detailing of the proposed footpath and the layout of the proposed car parking, junction kerbing, drainage, road markings and signage shall be submitted to and agreed in writing with the Planning Authority, including proposed upgrade works to be carried out on the R147, including footpath works, public lighting, drainage, tactile paving, wall height of (0.9m) and road lining, which shall be agreed with the Planning Authority prior to commencement of the proposed development.</p>



	<p>b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>c) The applicant shall agree a Traffic Management Plan prior to commencement of the proposed development, including details of construction haul routes, signage for construction in accordance with the traffic signs manual, construction entrance sightline information, entrance gate's which should be setback 17m from the edge of the road, construction parking location, and details of a road sweeper.</p> <p>d) The applicant shall add tactile paving to the internal pedestrian crossing, the minimum crossing width should be 1.8m.</p> <p>e) The details of the EV infrastructure shall be agreed with the Transportation Department.</p> <p>f) Bicycle parking spaces, including the number and design of the permanent and visitor bicycle storage spaces / facilities, shall be agreed with the Planning Authority prior to commencement of the development.</p> <p><b>Reason:</b> In the interest of public health and to ensure a satisfactory standard of development.</p>
10.	<p>The construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p><b>Reason:</b> To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
11.	<p>a) The landscaping scheme submitted to the planning authority on the 8<sup>th</sup> August 2022 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion</p>

	<p>of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
12.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
13.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
14.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Ian Boyle  
Senior Planning Inspector  
4<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	315909-23		
<b>Proposed Development Summary</b>	The demolition of an existing nursing home (28 bed spaces) and adjacent bungalow and the construction of a new nursing home (70 bed spaces) and associated site development works.		
<b>Development Address</b>	Silvergrove Nursing Home, Main Street, Clonee, Co. Meath, D15 HW82		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	
<b>Yes</b>	✓	10. Infrastructure Projects (b) (iv) Urban development which would involve an area greater than	Proceed to Q.4

		2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Form 2**

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	315909-23	
<b>Proposed Development Summary</b>	The demolition of an existing nursing home (28 bed spaces) and adjacent bungalow and the construction of a new nursing home (70 bed spaces) and associated site development works.	
<b>Development Address</b>	Silvergrove Nursing Home, Main Street, Clonee, Co. Meath, D15 HW82.	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The surrounding area is mainly characterised by a mix of commercial and residential uses typically found in a small to mid-sized settlement, such as Clonee.</p> <p>The site has a stated area of roughly 0.47ha.</p> <p>During the construction phase the proposed development will create demolition waste.</p> <p>Given the moderate size of the existing nursing home and adjacent dwelling, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is a nursing home.</p>	No
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development</p>	No. The proposed development would increase the number of nursing home bed spaces on the site from 28 no. to 70 no.	No

<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Owing to the serviced and urban nature of the site and character of the surrounding area, which is mainly residential and commercial in nature, I do not consider there is potential for significant cumulative impacts.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p> <p>✓</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p>

Inspector: Ian Boyle

Date: 4<sup>th</sup> January 2024